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## **Supreme Court Pick Needs to Ensure Women's Choice**

Don't Turn Back the Clock on Women's Health and Equal Protection

By John Russo & Karen Friedman

The resignation of Justice Sandra Day O'Connor from the United States Supreme Court provides religious conservatives their opportunity to enter their Promised Land—eliminating core choice and healthcare protections for women and destroying the constitutional doctrines of privacy presented in *Roe vs. Wade*.

The departure of Justice O'Connor and the anticipated resignation of Chief Justice William Rehnquist create an unprecedented opportunity for right-wing, theocratic conservatives to reshape decades of rulings on affirmative action, constitutional due process, and the separation of church and state. But nowhere will O'Connor's departure be felt most deeply as in the potential for the wholesale elimination of the hard-fought gains that women have won in the last several decades.

Legions of commentators, pundit "lawyers" and bought-and-paid-for media hacks continue to downplay the replacement of Justice O'Connor as a potential threat to women's rights. Don't believe it. There is legitimate cause for concern. There are well-financed, religious fundamentalists who are pressuring the Bush Administration for a conservative ideologue as Supreme Court Justice. These radicals do not share the values of most Americans and seek to dominate the judiciary with their extremist agenda. Their recent success in getting Congress and the President to twist and violate centuries of separation of powers doctrine in the Schiavo case shows just how radical these theocrats can be.

Justice O'Connor was a truly moderating influence on the court. She was the consistent swing vote creating slim, 5-4 majorities to hold school districts accountable for student sexual harassment (*Davis v. Monroe Board of Education*), expand Title IX to protect whistle-blowers complaining about discrimination in schools and colleges (*Jackson v. Birmingham Board of Education*), and affirm the right of state colleges and universities to use affirmative action to promote campus diversity. And finally, Justice O'Connor's vote to uphold a woman's right to choose, and limit state bans on late-term abortions, was critical to the fight we face to ensure a woman's right to choose.

As parents, political leaders and community advocates, we've declared zero tolerance for sexual harassment in the workplace, promoted and advocated for women in leadership positions, and taught our daughters that the 'glass ceiling' that prevented our mothers from reaching their full potential had been shattered for the

next generation of young women. Yet the very protections and opportunities we've earned for our daughters, friends, and upcoming generations of activists are in danger of being eliminated under a Bush-nominated court.

We cannot return to the days where women were subject to back-alley abortions. We must be vigilant in protecting the life and the health of women and mothers and the principle of equal protection under the law.

This is a fight for the heart and soul of our democracy and the rights so many of us have enjoyed, and in some cases, taken for granted. What you choose to do or not do may ultimately affect whether your child attends a diverse campus or whether your daughter has the right to make her own healthcare choices in the future. Now is not the time to stay on the sidelines or be idle.

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